

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE COLUMBIA UNIVERSITY
PATENT LITIGATION

MDL No. 1592 (MLW)

This Document Relates To All Actions

**DECLARATION OF DAVID I. GINDLER IN SUPPORT OF COLUMBIA
UNIVERSITY'S EMERGENCY MOTION TO DISMISS FOR LACK OF SUBJECT
MATTER JURISDICTION**

I, David I. Gindler, declare as follows:

1. I am a partner at the law firm of Irell & Manella LLP, counsel of record for The Trustees of Columbia University in the City of New York ("Columbia"). I am a member in good standing of the State Bar of California. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached as Exhibit A are true and correct copies of letters dated March 9, 2004, sent by Columbia to each of the plaintiffs informing them that "Columbia for all time disclaims any right under the license agreement to collect a royalty from [the licensee] based on the existence of a pending patent application."

3. Attached as Exhibit B is a true and correct copy of "Columbia's Covenant Not to Sue Plaintiffs for Infringement of the '275 Patent as it Presently Reads for Products Made, Used or Sold on or Before the Date of this Covenant," filed in this litigation on September 1, 2004.

Executed on September 2, 2004 at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ David I. Gindler
David I. Gindler